

DECISION



THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D.C. 20548

FILE: B-215411.3

DATE: October 9, 1984

MATTER OF: Certified Mechanical Contractors, Inc.--
Request For Reconsideration

DIGEST:

Request for reconsideration of prior decision, filed with GAO more than 10 working days after decision was issued and, presumably, received by the protester, is dismissed as untimely.

Certified Mechanical Contractors, Inc. (CMCI), requests reconsideration of our decision in Certified Mechanical Contractors, Inc.--Request for Reconsideration, B-215411.2, Aug. 20, 1984, 84-2 C.P.D. ¶ 200, affirming our initial decision in Certified Mechanical Contractors, Inc., B-215411, June 20, 1984, 84-1 C.P.D. ¶ 654, where we dismissed as untimely CMCI's protest against alleged solicitation improprieties because CMCI did not protest to the agency or GAO until after bid opening. See 4 C.F.R. § 21.2(b)(1) (1984); M & M Services, Inc., B-210818.2, Mar. 25, 1983, 83-1 C.P.D. ¶ 308.

CMCI's present reconsideration request was filed (received) with our Office on September 21, 1984. Once again CMCI argues that its protest filed after bid opening was not untimely because it did not become aware of the restrictive nature of the specification until after bid opening. As we previously pointed out, we see no reason why the allegedly restrictive nature of the specifications should not have been apparent prior to bid opening.

In any event, CMCI's request for reconsideration is untimely.

Our Bid Protest Procedures require that requests for reconsideration be filed with our Office within 10 working days after the basis for reconsideration is or should have been known. 4 C.F.R. § 21.9(b) (1984). CMCI's request was filed 23 working days after issuance of our August 20 decision. We assume that a protester will receive a decision not later than 1 calendar week after its issuance. Windward Moving & Storage Co., Inc.--Reconsideration, B-213885.3, Sept. 17, 1984, 84-2 C.P.D. ¶ ____. Since this reconsideration request is based on disagreement with our

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B-215411.3

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August 20 decision and since the request was not filed within the 10-day period provided under our Bid Protest Procedures, it is dismissed. See Windward Moving & Storage Co., Inc.--Reconsideration, B-213885.3, supra.

Harry R. Van Cleve
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General Counsel